



File Name : Dr. Barnes  
Length : 46.31  
Male Speakers : Jeffrey  
Female Speakers : Dr. Barnes  
Date : September 13, 2014

[00:09:19]

[Audio Begins]

Dr. Barnes: It's okay. Okay. Thanks for the \_\_\_\_\_. Jeffrey come on in. Have a sit. So, I knew that you ask for this \_\_\_\_\_ so I've been waiting something \_\_\_\_\_.

Jeffrey: Okay. I mean, I have some questions. As far as my evaluation, are you aware of what my evaluation is?

Dr. Barnes: I think mine was \_\_\_\_\_. \_\_\_\_\_ med school and I didn't know what had happened.

Jeffrey: Okay. What was the report? What did it say? I never went over the report with you.

Dr. Barnes: Yeah. And you may or may not remember that we talked initially. I told you that you could schedule an appointment to come back in and I would share with you about the evaluation result. But I had some concerns and from the psychological assessment, it appears that you are minimizing, you're denying a lot of things that are going on in your life and that it appears it's difficult for you to maybe acknowledge those things or face those things and deal with them. I did get some specific input but it was just information about the problems that you've been having really, I guess, at least, off and on, since March with regard to your residency. And it seems that there's been a lot of confusion on your part about some things that you've been asked to do and \_\_\_\_\_ as well Jeffrey that on a couple of occasions, it seemed like despite the fact that I had explained things to you, a couple of times, you still seemed to confuse about them...

Jeffrey: Can I ask a question? Can you tell me some specifics of these things? You're talking about some specifics in the psychology evaluation. I like to know some specifics if you could or

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PLF SNYDER 00010

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some specifics that you're talking about at work or some confusion. I like to know some specifics.

Dr. Barnes: Okay. Well, as far as confusion in the office. It seemed that there was a lot of confusion about the written testing and how that was going to work and what you needed to do to make that happened. Also, when I asked to talk with Dr. Cotton to just get some input from her, it seems that you didn't understand the reason that I wanted to talk with her and repeated back several times that you did not want your record to release to her, which that was never what was requested. The request was that you sign an authorization so that I could visit with her so that I could like to talk with her.

Jeffrey: Okay. You said some confusion again on the written test. Can you be specific on that?

Dr. Barnes: Just on the procedure. We explained how that work and what you needed to do and it just seemed like it was very difficult for you to understand what to do.

Jeffrey: Okay. If you could, I'd appreciate it if you could give me some specifics on the procedure that I did not understand.

Dr. Barnes: Well, it seemed like you didn't understand how the scheduling worked. You know, how it would work for you to come in to the office and work independently that you needed to arrange the time for that. Those kinds of things.

Jeffrey: Okay. I came to all my appointments. I set my appointments up and attended all my appointments with you. So, I still don't understand what the confusion was?

Dr. Barnes: Okay. What did you understand \_\_\_\_\_ just say the confusion was about? It wasn't about you coming to your appointments.

Jeffrey: Okay.

Dr. Barnes: What I explained to you was what you seem to be confused about.

Jeffrey: Okay. Can you please restate it, because I did not understand that?

Dr. Barnes: Okay. That is exactly the problem. That it seems like you have difficulty understanding things that people say to you sometimes.

Jeffrey: Well, you didn't specify anything specifics just now.

Dr. Barnes: I did. I told you

Jeffrey: Okay.

Dr. Barnes: I answered your question.

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Jeffrey: Okay.

Dr. Barnes: I explained to you what you were confused about and that I felt like that was an example of some problems that you are having.

Jeffrey: Okay. How long is this appointment? 50 minutes?

Dr. Barnes: Yes.

Jeffrey: Okay. So, until 3:50 or 3:40. Okay.

Dr. Barnes: It's until 3:30.

Jeffrey: What now?

Dr. Barnes: It's until 3:30.

Jeffrey: 3:30. Okay. It's at 2:50 right now.

Dr. Barnes: Okay. Well, It's not going to be quite 50 minutes. I understood that you just had a couple of questions that you wanted to ask me.

Jeffrey: Well, that's not exactly true. Whenever I met with Dr. Cotton and the rest of the people at OSU Human Resources last Thursday, they said that I was going to be placed on leave of absence due to being found not fit for duty. And I tried to ask them some questions regarding this and all they said was "We're not going to discuss any of this." And they said all my questions that you'd be more than happy to answer them. So, that's why I'm here.

Dr. Barnes: Okay, I haven't talked with them about any of this, Jeffrey. I sent my report to them. I describe the psychological evaluation with regards to... and I'm sure you're very aware because I know Dr. Cotton has given you a very specific written examples of times that you... there were some concerns about your work. Is that correct?

Jeffrey: She gave me some specific examples back in March. Many months ago and that's it.

Dr. Barnes: Have you gotten any other written feedback from her since then?

Jeffrey: No, I have not.

Dr. Barnes: Okay.

Jeffrey: Have you?

Dr. Barnes: Well, I think that you should take that up with her. If for some reason she feels like it's not appropriate to share more information with you, these are her concerns and I think she should be the one to talk with you about them.

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Jeffrey: Okay.

Dr. Barnes: All I can tell you is that I understand that there had been continuing instances where there had been concerns about your work. That you haven't done what you were asked to do or told to do that...

Jeffrey: Can you give me some specific examples.

Dr. Barnes: You know what they are.

Jeffrey: No. I do not.

Dr. Barnes: You know what they are. This is all coming from Dr. Cotton. So, you should be aware of that. You should certainly be aware of what she...

Jeffrey: Did you speak to Dr. Cotton?

Dr. Barnes: No. I did not.

Jeffrey: Okay then. Where did you get that information from?

Dr. Barnes: I was provided some information about the problems that you were having.

Jeffrey: Okay. Where did you get that information from?

Dr. Barnes: I don't know for sure where it came from.

Jeffrey: You don't know where the information came from?

Dr. Barnes: It was provided to me by... some of it was provided to me by Jessica Heaven.

Jeffrey: Okay. Where was the rest of it provided?

Dr. Barnes: Okay. I think this is getting very confrontational. I think that you really need to address these concerns with the medical school.

Jeffrey: Okay. If you don't want to answer that question, I've got some further questions. So, what were the factors that led to you to deciding specifically that I was not fit to duty? Some specific examples in the psychology evaluation where I did written testing and met with you?

Dr. Barnes: Well, in your evaluation as I said, there were indications that you were denying problems that you were having.

Jeffrey: Okay. Give me some specific examples please.

Dr. Barnes: Well, there are no specific examples. Just generally, you tend to minimize any short comings or problems that you might have.

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Jeffrey: Okay.

Dr. Barnes: No specific.

Jeffrey: No specific example of any problems in the psychology evaluation.

Dr. Barnes: No. The written testing. This was the interpretation of your responses to the written testing.

Jeffrey: Okay. So, there's that factor where there's no specific examples on the psychology evaluation. It's just a perception that I was minimizing some things.

Dr. Barnes: No. It's a conclusion that was drawn from the responses that you gave.

Jeffrey: I'm \_\_\_\_\_

Dr. Barnes: There are validity scales on the assessment that indicated that you were not acknowledging some of your shortcomings.

Jeffrey: Okay. Can you give me some specific examples?

Dr. Barnes: No. I've already answered that.

Jeffrey: Okay.

Dr. Barnes: I told you I can't give you any specific examples because the test doesn't give specific examples.

Jeffrey: Okay. When did you make...

Dr. Barnes: The test interpreted your responses and this was the profile that was generated by those responses.

Jeffrey: When did you make that decision that I was not fit for duty?

Dr. Barnes: Well, I didn't state that you weren't fit for duty. I did indicate that I didn't feel you should be providing medical treatment to patient at this time.

Jeffrey: Okay. So, you never said I was not fit for duty?

Dr. Barnes: Not that I remember. I don't think I used that term.

Jeffrey: Okay. And now, I'm sure you're aware throughout this process. You know Debbie Nottingham? Do you know her?

Dr. Barnes: I don't know her. I've talked with her.

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Jeffrey: Okay. So, she works at OSU Human Resource. I'm sure you're aware she's been updating, you know, Dr. Cotton throughout this process. Is that your understanding?

Dr. Barnes: No. I don't know anything about what she's done.

Jeffrey: Okay. Now, was there some probation documents that you got on me, you said, from various sources?

Dr. Barnes: I don't know what you mean by probation documents.

Jeffrey: What type of documents did you get on me?

Dr. Barnes: I just received information about the problems that you'd had...

Jeffrey: Okay.

Dr. Barnes: in your residency.

Jeffrey: And some of that was received from the employee assistance program?

Dr. Barnes: Uh-huh.

Jeffrey: And some of them was received from who else?

Dr. Barnes: I don't know.

Jeffrey: Okay. Was all of that received through employee assistance program or something else?

Dr. Barnes: I don't know who sent the information.

Jeffrey: Okay. Alright. So, the last time I actually met with you was on Thursday, June 12<sup>th</sup>. That was our last visit where I met with you and discussed things with you and did one of my written evaluation test. At that time, you told me there was no need to come back for any additional sessions to review any findings. Initially on my very first visit like – let me please...

Dr. Barnes: I wouldn't have told you that Jeffrey.

Jeffrey: Let me please finish my statement. On my very initial visit, you told me that the very last visit, you would go through all of my testing evaluation and discuss everything with me.

Dr. Barnes: No. That is not what I told you. I told you that you could make an appointment for a follow up session to discuss the result of the evaluation if you choose to do that. But that obviously would not have been on the 12<sup>th</sup>, because, as you just said, you completed one of the written test that day.

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Jeffrey: Okay.

Dr. Barnes: And so, obviously it hadn't been scored and I hadn't compiled the information.

Jeffrey: Do you typically follow up with patient and review your findings with them?

Dr. Barnes: If they choose to make an appointment to do so.

Jeffrey: Okay. Well, I'm just telling you I remember it clearly that day what you said to me was after I meet with you and took my test, you said there was no need to come back for a follow up appointment. You would send my information over to OSU Human Resource as soon as possible because they wanted it.

Dr. Barnes: I think you may have misunderstood. The evaluation was sent at that point but we had talked initially and I think it may have been in the written agreement that you signed. That you could schedule an appointment to come back in and go over the results of the evaluation and I would share with you a little bit about what that indicated. So...

Jeffrey: Do you think it would be very pertinent for me to come back, you know, to come in to review my findings with you over that time period? And it was an entire month since I meet with you last.

Dr. Barnes: I think that is something that you should have arranged to do.

Jeffrey: Okay.

Dr. Barnes: That's not something that I would have...

Jeffrey: Well okay. I guess I...

Dr. Barnes: You were advised that you could do that and you apparently didn't make arrangements to do that.

Jeffrey: Well, let me tell you. Last Thursday when I met with, you know, Dr. Cotton, who I'm sure you're aware of now, and everyone else in OSU Human Resources and the department in charge of medical education, they told me I was not fit for duty and they said that I was going to be placed on leave of absence and they will not give me any reasoning for why this was and I think it's just kind of odd or just the process is completely backwards, to have me being told I'm not fit for duty without any discussion and without receiving any copies of any reports or anything and it's just like... I mean, I'm going into a meeting not knowing anything and they're telling me "Oh well, you're not fit for duty. You're on leave of absence" and I've got an appointment next Wednesday.

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Dr. Barnes: I think these are issues that you need to take up with them, Jeffrey. If you are concern about this then all I can suggest is that you try to talk with them further. I contacted with them to do the evaluation. All that information is technically their property. It belongs to them. And...

Jeffrey: Is any of this information mine since I'm the patient?

Dr. Barnes: No.

Jeffrey: It's not property?

Dr. Barnes: It's in my – no.

Jeffrey: None of it?

Dr. Barnes: Not for me. I mean again, you can talk with them about it and I don't know what their decision about that would be.

Jeffrey: Okay.

Dr. Barnes: Why do you think you were put on leave of absence?

Jeffrey: I have no idea.

Dr. Barnes: You have absolutely no idea?

Jeffrey: No idea.

Dr. Barnes: Okay. Well, I think that goes to the concern that I stated that you – it seems you have difficulty recognizing when there's a problem with your work or when you think somebody might be criticizing you or making a suggestion or something like that.

Jeffrey: Okay. When did you received these documents you said you received from the employee assistance program or separate documents?

Dr. Barnes: I don't know.

Jeffrey: No idea?

Dr. Barnes: They will sometimes... since the evaluation started. Really, I think these questions are not necessary, really. I've shared with you that I received information. That I reviewed it. That I compiled the psychological report that I sent to them. That it's their \_\_\_\_\_. I feel like these questions are not only not necessary but they're antagonistic.

Jeffrey: Well...

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Dr. Barnes: Not my purpose to be antagonistic and I really think that the best thing you could do, Jeffrey, is try to reflect on what has happened here.

Jeffrey: Okay.

Dr. Barnes: I do believe there are very good reasons for this.

Jeffrey: Okay.

Dr. Barnes: I think the university is concern about you.

Jeffrey: Okay.

Dr. Barnes: And I think...

Jeffrey: Why do you think that?

Dr. Barnes: Well, I've explained that.

Jeffrey: I didn't hear any explanation except there were some problems in the past that they are concerned about but nothing specific.

Dr. Barnes: Okay. Well, I'm sorry if you didn't get that.

Jeffrey: You didn't tell me any specific.

Dr. Barnes: I told you what I could.

Jeffrey: Okay. Why...

Dr. Barnes: Okay and what I feel as appropriate.

Jeffrey: Okay.

Dr. Barnes: So, and if you will just calm down a little bit and stop being so antagonistic, I think we could have a more productive conversation.

Jeffrey: Okay. These are just concern for me because this is a very concerning thing with what they did to me. With their decision based upon your decision and this has a... let me please finish please... this has a dramatic effect on my career. So, I think it's very important and these questions are very pertinent. That's why I'm discussing this here with you today.

Dr. Barnes: Okay. Let me tell you what I think would be the best thing for you to do because I think that OSU is also very concern about you. I think instead of trying to challenge and question and deny things that it would be better for you...

Jeffrey: What am I denying?

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Dr. Barnes: to think that... well, you're denying that you have no idea why you were placed on leave of absence.

Jeffrey: I'm not doing anything specific. The people at work didn't tell me any specifics and you're telling me that I was minimizing things.

Dr. Barnes: Okay. But I don't know that this something you should have to be told. I think that you ought to be able to figure it out. And that's what I encourage you to do.

Jeffrey: Okay.

Dr. Barnes: Even though it may be really difficult for you, because again I think that is very hard for you. I will encourage you to think about what has happened that would cause concern about your work.

Jeffrey: Okay.

Dr. Barnes: That's what I think is appropriate for you to think about and what would be helpful to you. Instead of trying to argue with me and take issue with the university and ask all these questions about this, this and that. I do believe the university is trying to be helpful.

Jeffrey: Okay.

Dr. Barnes: They're concerned and they're wanting to try to be helpful to you.

Jeffrey: Okay.

Dr. Barnes: But you know, you're the main player here and in order for things to get better in my opinion, you really need to reflect on the reasons for this and hopefully you can...

Jeffrey: Which I do not know.

Dr. Barnes: Well then that's the problem.

Jeffrey: I shouldn't just have to just guess.

Dr. Barnes: Okay.

Jeffrey: I should be given some specific reasons. That's very concerning for me.

Dr. Barnes: I do \_\_\_\_\_ back to the medical school to talk to someone...

Jeffrey: The thing is these all results from your evaluation on me, their action. That's what they told me.

Dr. Barnes: Okay.

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Jeffrey: That's what they told me last Thursday.

Dr. Barnes: Okay.

Jeffrey: So, I'll ask my next question. When did you send my completed report over to OSU?

Dr. Barnes: I don't have the exact date of that.

Jeffrey: Can you give me an estimation? You said over last week.

Dr. Barnes: I don't know when it was sent over there. Probably before last week.

Jeffrey: Was it the week before last week? Was it the week after June 12?

Dr. Barnes: It was short after... well, it was shortly after you indicated that you would not give me your permission to talk with Dr. Cotton.

Jeffrey: So did that have any effect with this?

Dr. Barnes: How would I know?

Jeffrey: Okay. So, did that have any effect in you report?

Dr. Barnes: What do you mean?

Jeffrey: Did me not allowing you to talk to Dr. Cotton had any effect in your report and evaluation on me?

Dr. Barnes: I have no idea what they thought about that but I don't think it's a positive thing.

Jeffrey: Okay. And you understand my reasoning behind that, don't you?

Dr. Barnes: I don't, because you seemed to not even understand the reason that I was requesting to communicate with her.

Jeffrey: You wanted to talk to her on the phone. I received your voice mail message on my phone.

Dr. Barnes: But what you told me was that you did not want your record to release to her.

Jeffrey: That's what I initially said...

Dr. Barnes: You made that statement several times.

Jeffrey: That's what I initially said to your secretary when she called me.

Dr. Barnes: And you also left that message for me.

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Jeffrey: Yes. Because I never spoke to you and since you told me that \_\_\_\_\_ understand...

Dr. Barnes: But that isn't why I was asking to communicate with Dr. Cotton. That's why...

Jeffrey: I completely understand. You wanted to talk to her over the phone.

Dr. Barnes: You never indicated that you understood that I just wanted to talk to her. The only communication that I ever received from you was that you did not want your record to release to her.

Jeffrey: Okay. And then...

Dr. Barnes: And it was explained to you by me and by my secretary that that isn't what we were asking to do.

Jeffrey: But what I told you was that Dr. Cotton told me that she wanted no part in my evaluation process.

Dr. Barnes: Well, she did let me know that if you've given me permission to talk with her that... you didn't, so I didn't speak to her.

Jeffrey: That's fine. I'm just telling you the reason for that is she wanted no part of my evaluation process.

Dr. Barnes: Okay. I had no idea whether she did or didn't.

Jeffrey: Okay. And why did you want to speak with Dr. Cotton to start with?

Dr. Barnes: Because I wanted to hear more about the concerns that she had about your work.

Jeffrey: Okay. Now, just the concerns about the work? Was there anything else?

Dr. Barnes: That would be... I can't think of anything else.

Jeffrey: Okay.

Dr. Barnes: That's what I wanted to find out.

Jeffrey: Now, specifically, you received documents. Did you received a document that list my probation like different things I did concerning...

Dr. Barnes: I told you I received some information about the problems that you're were having in your residency. That's really all I'm going to say.

Jeffrey: So, you won't tell me what information you received?

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Dr. Barnes: I just told you, some information about the problems that you were having in your residency.

Jeffrey: No specific?

Dr. Barnes: You know what those are.

Jeffrey: I'm just asking.

Dr. Barnes: \_\_\_\_\_ provided with that information.

Jeffrey: Okay.

Dr. Barnes: So, I don't think there's any reason or to even ask those question.

Jeffrey: Was it the reason that I was placed on probation with specific bullet points or numbers?

Dr. Barnes: You know what those reasons are.

Jeffrey: I'm just asking. Can you tell me?

Dr. Barnes: I've answered your question.

Jeffrey: Okay.

Dr. Barnes: You know what those are.

Jeffrey: Let me just say that the reason for my probation, if you wanted to have that information, that information could have been obtained through the employee assistance program or OSU Human Resources. And also, if you wanted to know the reason, which this is what you told me initially when you left a message on my phone, you wanted to know the reason for the psychology evaluation. And the reason for the psychology evaluation could have been obtained through the employee assistance program because they are the one who recommended me for the psychology evaluation to start with.

Dr. Barnes: Alright. I conducted this evaluation in a way I thought was appropriate. I requested to talk with Dr. Cotton and you would not give me permission to do that.

Jeffrey: Uh-huh.

Dr. Barnes: I think that quite frankly if I felt that was important, you should respect that and not argue with it.

Jeffrey: Okay.

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Dr. Barnes: You seemed to want to argue with a lot of aspects of the procedure and I understand that you're concerned about what happened and the fact that you've been put on a leave of absence. Now, but again Jeffrey instead of, you know, trying to argue about the evaluation and act like, you know, you know what should or shouldn't have done, I think you should reflect on what might be the reason for this action because there is a reason for. There's a good reason in my opinion.

Jeffrey: Now I need you, if you could tell me that...

Dr. Barnes: And then think about what you need to do to try to get back to a better place.

Jeffrey: Okay. Is there any way to reverse this evaluation?

Dr. Barnes: What do you mean?

Jeffrey: Like reverse what they said they received from you.

Dr. Barnes: Not that I know of. I mean you came in. We did an interview. I asked you a lot of questions. You did written testing. The result of that are irrefutable.

Jeffrey: Okay.

Dr. Barnes: I mean there's really nothing that can be done to change that and based on all that information, you know, I provided a report with my recommendations.

Jeffrey: Okay. And then basically, you know, once again my people at my work, they told me I was not fit for duty, okay. Now, I know you said that earlier that you never said that in the report. So, is that correct?

Dr. Barnes: Well, I'm not going to go back to, you know, really nitpicking about...

Jeffrey: That's a specific question. That's not hard to answer.

Dr. Barnes: I've already answered it.

Jeffrey: Okay. Then what my point is if it was that important to receive an authorization to speak to my attending physician or whatever, if this was a big concern, you should have told me specifically...

Dr. Barnes: No. Don't tell me what I should have done, Jeffrey. Don't tell me what I should have done.

Jeffrey: Okay. This is just my opinion.

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Dr. Barnes: Well, I don't really think that matters quite frankly. I requested to speak with her. I think you should have understood that it would be in your best interest to comply with that regardless of what you thought whether or not she wanted to talk to me. Again, I think that's very inappropriate. If you felt like she didn't want to talk with me, she can tell me that. You know, she could very well tell me that.

Jeffrey: Okay. She's a third party that could very easily skew the result of this evaluation.

Dr. Barnes: She's a very important person \_\_\_\_\_.

Jeffrey: And she's the one who put this, who initiated this probation to start with.

Dr. Barnes: I think \_\_\_\_\_.

Jeffrey: And if you want an independent evaluation without skewed result, I think that would be necessary to not include her.

Dr. Barnes: I don't agree with that at all.

Jeffrey: Well, like I said...

Dr. Barnes: I don't think you have an understanding with the process or a respect for my responsibility to determine how the evaluation \_\_\_\_\_.

Jeffrey: Like I said I respect her as well and her initial comments to me stating that she wanted no part in this. That is the specific reason for that.

Dr. Barnes: Okay. Alright. I don't know if there's any reason to talk any further about that.

Jeffrey: Okay. So like I said whenever you also mentioned to me, you know, discussing this with me or you left a message on my phone, you said that if I did not, you know, authorize to speak with Dr. Cotton, then you would just state that in my report, which is I'm assuming is what you did. Is that right?

Dr. Barnes: You can make that assumption.

Jeffrey: Okay. We don't... okay. Now, the other day, for instance, I went over to – I mean, just to make sure we understand the timeline here as far as Saturday June 26, was when Dr. Cotton for the first time told me we had our weekly meeting check in, which was over the phone. We're supposed to meet, you know, in person but hasn't always been that way. So, I talked with her on the phone, Saturday June 26 in the afternoon. That was the first time that I was told by her that she would like to speak with you, okay. So...

Dr. Barnes: She told you that she would like to speak with me?

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Jeffrey: That's correct. So, my point is at that point that was the very first time that I was aware of that, okay. And then what happened is I made multiple phone calls to your office because I told her I'm going to take care of this and get this taken care of and if you would like to speak with her, I can make that happened because that was the first time that she told me that, okay. So, then at that point, I made some phone calls to your office. There's several times that no one pickup and answered. Finally I left a message and that was on Tuesday, July 1<sup>st</sup> and that's when I left a message at your office and I said that my attending physician, Dr. Cotton, changed her mind and said that she would like for me to sign authorization for you to be able to speak with her. I said that to the secretary and – or actually, I left a message on your recording and said that. And then I said I'd also like to come by and met with you for about 10 minutes, you know...

Dr. Barnes: Okay.

Jeffrey: Just... can I please finish. And said I wanted to do that because I never even got the chance to talk with you and the only reason, like I said again, that I'd never did talk with you is because you told me initially and there was disagreement there that I was told that I didn't need to come back or anything. It sounded like everything was fine with me. But at that time about a couple of hours later, I received a phone call back from your office from the secretary and what she said to me at that time was that she mentioned nothing about the authorization of request to get that taken care of, nothing about that and that was the purpose in my phone call and then she said "Well, Dr. Barnes will meet with you next Wednesday" and we'll have a 50 minutes session. And she asked "Can you come?" and I said "Yeah." So, that's all my correlation was there. So, my question is why was there no mentioned of the authorization in my response to the phone call?

Dr. Barnes: Jeffrey. I was never advised that you left that message and I'm quite sure that if you had left that message, I would have been told about it.

Jeffrey: Okay.

Dr. Barnes: So, I have to think that the message wasn't left.

Jeffrey: Okay. Well which secretary was working here that day?

Dr. Barnes: I don't know.

Jeffrey: Okay. How many secretary work here?

Dr. Barnes: Jeffrey. That is just something that unnecessary to talk about. I feel like if you left that message, I would have been advised about it. I wasn't advised.

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Jeffrey: How did my appointment...

Dr. Barnes: That's really all that needs to be said about. I was never made aware of that. I was told that you called to make this appointment. What you should have done during that phone call is reminded the secretary if you feel like she didn't say anything about it.

Jeffrey: I didn't...

Dr. Barnes: You should have said "Well, I also want to sign an authorization so Dr. Barnes can speak with Dr. Cotton." Apparently, you never did that.

Jeffrey: Okay. Well, I would assumed that they would... I mean she called me back to tell me there's an appointment schedule so I would assumed that she spoke with you and told you and if she didn't, I'm sorry but...

Dr. Barnes: Well, you should have said something more to her about it. I don't believe that message was ever left. I'm quite positive that if it had been left, I would have received it.

Jeffrey: Well my appointment did get scheduled somehow. How did I end up with this appointment?

Dr. Barnes: I assumed that you called and left a message that or spoke with someone that you wanted to schedule an appointment, to come by and talk with me for a few minutes. That's the only information that I got about your phone call.

Jeffrey: That's fine. Let me continue with this. And so, essentially after that, I emailed Dr. Cotton that night because she said she was willing to talk with you and I can speak with you, so I'm trying my best here to arrange what she is now requesting. So, I emailed her and I told her that, what I just said to you, that I made a phone call to your office and I told her that, you know, that I told her in the email that I said I called your office, left a message about getting authorization signed and that I was called back and said that I have an appointment scheduled next Wednesday. My assumption was I will be signing authorization next Wednesday. So, anyways, I didn't hear anything back from Dr. Cotton and my response to her, you would think that she would reply back to me in email. I know this is nothing to do with you, but you would think that she reply back to me in my email and talk about what the authorization. Now, after that I didn't get any response from her until the next evening which is July 2<sup>nd</sup>, Wednesday. At that time, I was told "Okay, we're going to have a meeting tomorrow at the OSU Human Resource's office in the, you know, conference room." She didn't mentioned any about the authorization request again. And then all of a sudden we have this meeting. So, it was just kind of confusing that she says now she's willing to talk and then now, we're going about this where I'm trying to make this happened for her request.

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Dr. Barnes: Okay, instead of blaming Dr. Cotton and the fact that you said you left a message here about that and no one mentioned it to you. I really believe, Jeffrey that you need to focus on what you're responsibility might be, which would be you to bring it up to Dr. Cotton again to ask to sign the authorization. You could sign it with Dr. Cotton as well as with me. It doesn't matter.

Jeffrey: Okay.

Dr. Barnes: Either one of us, you can sign the authorization. You could have mentioned it to my secretary when she called you back. You can sign it today if you want to.

Jeffrey: And you said...

Dr. Barnes: I don't know if that's still relevant or not but I'm telling you that I have known nothing about this so I can only assumed that that message was not left.

Jeffrey: Okay. Well, somehow someone indicated or put me in for an appointment without, I mean, my purpose...

Dr. Barnes: Okay, can you understand that they made an appointment for you because you left a message about that or talked to someone about that. They did not get any other part of the message that you said you left.

Jeffrey: Okay.

Dr. Barnes: They got the message about making an appointment but nothing further.

Jeffrey: Do you believe me?

Dr. Barnes: You know, I can only tell you that I trust my secretaries, both of them, and I know they would have told me if they've gotten that message.

Jeffrey: Okay.

Dr. Barnes: So, I can explain why they didn't received that, other than it wasn't left.

Jeffrey: Okay. Just a further thing on. When again did you say you sent the report over?

Dr. Barnes: I told you that I didn't know the exact date that I've sent it.

Jeffrey: Do you have any estimation?

Dr. Barnes: But it was shortly, shortly after you indicated that you were not going to sign the authorization for Dr. Cotton.

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Jeffrey: And you understand my explanation for that, because she said she didn't want to be a part of the evaluation process?

Dr. Barnes: Yes. I've heard you say that.

Jeffrey: Okay. Now, when you sent the report over, was it one document? Just one complete document?

Dr. Barnes: It was the report.

Jeffrey: So, it was just the report, right?

Dr. Barnes: Uh-huh.

Jeffrey: and that's all you sent over?

Dr. Barnes: I think so.

Jeffrey: Okay. One document. One report. Okay. Now, I went to OSU because I received that letter in the mail that you sent me because I would like a copy of my own report because it was a report on me. I should be entitled to my records, my report. Okay, now I know this, they're involved too. They can have a copy of it. I've authorized employee assistance program, OSU Human Resource. I should get a copy of this report too. Seems like I'm the last person to get a copy of this report.

Dr. Barnes: Like I told you, Jeffrey that's something you need to take up with them.

Jeffrey: Okay.

Dr. Barnes: Because I was working for them and providing a service to them.

Jeffrey: Okay.

Dr. Barnes: So, technically they are in control of the information.

Jeffrey: Okay. I mean I wouldn't understand that because – I mean I don't see any reason why there'd be any reason why you wouldn't be able to give me any information.

Dr. Barnes: No. I tell you. This is the position I've always taken when I've done evaluations for the \_\_\_\_\_. The report is under their custody and control. Because I work for them. It's not my own independent evaluation. It's something I'm doing for, you know, another...

Jeffrey: Is it because you're being paid by them or what if I paid you?

Dr. Barnes: Well no. It's because they requested that I do the report for them.

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Jeffrey: Okay.

Dr. Barnes: So, the information belongs to them.

Jeffrey: Okay. Well, based upon what I was saying, my point is on Wednesday, July 2nd, I went by the OSU Human Resources' office and talked to Debbie Nottingham, who you're familiar with or you know of her. You said you've spoken to her over the phone. Is that correct?

Dr. Barnes: That's right. Uh-huh.

Jeffrey: Okay. And I guess one of my questions is, in regards to my impression, was that the purpose of me having authorization between your office and OSU Human Resources was to give my report and document over to them? That's what I was told on the last day. Was there any sort of other discussions beside that?

Dr. Barnes: I don't know what you're referring to. You signed a release that I could send the information to Debbie Nottingham, which I did.

Jeffrey: Right. What about the communication over the phone? Was there anything? What was the purpose of that?

Dr. Barnes: I am trying to remember my conversation with her and it may have just been something about the report. I don't remember.

Jeffrey: You don't remember about the report? Okay. Now, so anyways, on Wednesday, July 2nd, I went to their office and I received that letter on the mail that you sent to me about a week after I think I sent it to you, receiving a letter back and corresponds stating that I like a copy of my report. So, I go over to OSU Human Resources because you said that I can have a copy of my report.

Dr. Barnes: No. No. I said you needed to talk to them about it.

Jeffrey: Okay.

Dr. Barnes: I didn't say that you can have a copy of it.

Jeffrey: That's fine. Okay, so I went over to OSU Human Resources. In your letter to me, you stated that if I would like a copy of my report that's where I should pick up.

Dr. Barnes: That's right.

Jeffrey: Okay.

Dr. Barnes: No. I said that where you should go to request it. I didn't say that you should pick it up there.

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Jeffrey: Okay.

Dr. Barnes: I don't have any authority about what OSU does with, you know, that information.

Jeffrey: Okay. So, anyways, I went over there to try to get a copy of my report and I was denied multiple times. Does that seemed odd to you?

Dr. Barnes: Uh-um.

Jeffrey: No? You don't think I should receive a copy of this report?

Dr. Barnes: No. I don't.

Jeffrey: Why not?

Dr. Barnes: Well, I don't think that's how things are usually handled.

Jeffrey: I'm a client and a patient or whatever you want to call it for you or them. I'm an employee and you don't think I'm entitled to a copy of my report?

Dr. Barnes: Well, first of all, that's not my decision. Second of all, I know that's not the way this evaluation are usually handled from my experience. So, that's really all I can tell you.

Jeffrey: Okay. So, anyways, I went over there, tried to get a copy of my report. I don't understand why I couldn't. They said to me, this is what they told me, I'm just telling you. They said to me that I would basically – they said to me at that time that they would give me a copy of the report. So, I mean this is interesting, they said they would give me a copy of the report and at that time they said they did not have the recommendation yet from you. They had a copy of the report but not the recommendation. Is that true?

Dr. Barnes: How would I know? They should have everything.

Jeffrey: Okay, so you've only sent one report and one document over there. Is that correct?

Dr. Barnes: Well, I sent my psychological report, yes.

Jeffrey: So, you only sent one report and one document over there. Is that correct?

Dr. Barnes: I sent my initial report, then I sent an addendum to it and I sent one other piece of information.

Jeffrey: When did you sent the addendum to the report?

Dr. Barnes: I don't remember. It was sometimes after I've sent the first report.

Jeffrey: Why did you sent them the addendum?

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**PLF SNYDER 00030**

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Dr. Barnes: Because they had additional information in it.

Jeffrey: What information did you received to produce additional information?

Dr. Barnes: I think that's something you need to take up with them, Jeffrey.

Jeffrey: Well, this is your evaluation.

Dr. Barnes: Yes.

Jeffrey: I'm asking a question about your evaluation.

Dr. Barnes: I am not going to give you more information about that. I sent them additional information as a supplement to the original report.

Jeffrey: And you received additional information to create the addendum?

Dr. Barnes: Yes.

Jeffrey: Okay. And you won't tell me what information was given and you won't tell me what was included in the addendum?

Dr. Barnes: Well, we've already discussed that.

Jeffrey: Well, we haven't discussed what was in the addendum.

Dr. Barnes: Yeah. We have.

Jeffrey: No. We haven't. Could you please remind me?

Dr. Barnes: Well, it had to do with information about your probation.

Jeffrey: Okay. If you had any additional concerns, why didn't you call me back in your office to get my take on the issue?

Dr. Barnes: Well, you already had the chance to explain this things to me.

Jeffrey: Well, I didn't get the chance to explain my side of the story. What additional information that you received after I met with you.

Dr. Barnes: The very first time that we met, I asked you to tell me about the reason for your probation.

Jeffrey: And I did.

Dr. Barnes: And you did. That is basically you had an opportunity to tell me about it.

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**PLF SNYDER 00031**





Jeffrey: So, if you received additional information that was concerning to you, you should at least call me in to get my side of the story.

Dr. Barnes: You know, I don't really think it is your position to tell me how I should do my evaluation.

Jeffrey: It's just my opinion again.

Dr. Barnes: Well, I don't agree.

Jeffrey: Okay. So, I mean you used information that was back in March or whatever time period that you got that. I don't know what information it was. You wouldn't tell me. And so, this information you received, you never think that it is important to talk about the current or present of how I'm doing my probation. I've been doing extremely good job of my job. To have my probation...

Dr. Barnes: You haven't had any problems?

Jeffrey: I haven't had any problems that's been significant.

Dr. Barnes: Not any problems whatsoever with patient care.

Jeffrey: I haven't had any problems.

Dr. Barnes: Since March?

Jeffrey: Well, can you tell then?

Dr. Barnes: I'm just asking you.

Jeffrey: I don't think I have.

Dr. Barnes: You haven't had any problems? Perhaps what you're just saying...

Jeffrey: I do not think I've had problem with patient care. I think I've performed on par with every other resident there.

Dr. Barnes: Okay.

Jeffrey: Okay. Now, can you tell what problems I've had?

Dr. Barnes: I'm was just wanting to know whether you thought you'd had any problem.

Jeffrey: I had some problems back in March supposedly that I stated in the document and written at the bottom, if you've seen that document, that I did not agree with the entirety of this information. Did you see that?

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Dr. Barnes: I don't remember seeing that.

Jeffrey: Okay. So anyways, on Wednesday when I went by to talk with them, they would not give me a copy of my information. Now, you said there was also an addendum to the evaluation and then there was another final piece of information you sent over. Is that right?

Dr. Barnes: I think so.

Jeffrey: What was that?

Dr. Barnes: Those were both just addendums to the original report.

Jeffrey: And you're not going to tell me what was in the addendum?

Dr. Barnes: I already have. They were in response to the problems that you'd had that caused your probation.

Jeffrey: Okay. Was there any addendum to the report that clarify that I shouldn't – I don't know what you said earlier. What you say that I shouldn't participate in patient care. Is that what you said?

Dr. Barnes: I did say that I did not feel at this time based on all the information that I'd have obtained from the evaluation and that have been provided. I did not feel that you should be taking care of patient at this time.

Jeffrey: Okay. And did you...

Dr. Barnes: Would you know they should tell you anything else that they thought you needed to do?

Jeffrey: They did not. So, anyways...

Dr. Barnes: They told you that you were going to be on a leave of absence?

Jeffrey: They told me leave of absence. They told me that I would meet with the employee assistance program at some point in time. They never told me when. They told me I was going to receive a phone call from yesterday. I never received any phone call.

Dr. Barnes: Wait a minute. Receive a phone call from who?

Jeffrey: From the employee assistance program.

Dr. Barnes: Okay.

Jeffrey: I never received any phone call yesterday and that's curious. So, anyways...

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**PLF SNYDER 00033**



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Dr. Barnes: Well, I think if I were you, I would call them back and find out why.

Jeffrey: Okay. I don't know why. They seemed, OSU, do not – they're not telling me all the information. What was I saying a while ago was on Wednesday, I tried to – so, when was that last addendum sent over?

Dr. Barnes: I don't remember. I don't know when it was.

Jeffrey: Was it this last week?

Dr. Barnes: I don't remember.

Jeffrey: You have no idea?

Dr. Barnes: It wasn't this week.

Jeffrey: Was it last week?

Dr. Barnes: Jeffrey, I am not going to continue to answer these kind of questions. I feel like they're very interrogating. I think you understand the procedure for the evaluation. I understand that you're upset. I think you need to reflect on why you've been placed on leave of absence and talk further with the employee assistance program about what else they think you need to do in OSU.

Jeffrey: Okay. Anyways, last week, so they told me, on Wednesday, that once they received a copy of the report, which was already sent a while ago and let me please finish. Once they received a copy of the report and the recommendation, OSU told me they would give a copy of all of my records and my report.

Dr. Barnes: I can't deal with anything they told you.

Jeffrey: I understand that. I'm just telling you this. Do you think that's odd?

Dr. Barnes: I don't know what was said. I don't know.

Jeffrey: I'm just telling you.

Dr. Barnes: They haven't told me that.

Jeffrey: Okay. I'm just telling you what was said.

Dr. Barnes: No, I don't know. I mean...

Jeffrey: Does that sound odd to you?

Dr. Barnes: I'm not going answer that question.

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**PLF SNYDER 00034**



Jeffrey: Okay.

Dr. Barnes: Because I don't know what they said.

Jeffrey: Okay. So anyways, I'm just telling you what they said and then when I'm – they said, once they received the – they said they didn't have your recommendation on Wednesday. They said they have the report.

Dr. Barnes: I cannot be responsible for anything that they've told you. I don't know anything about, you know, what's going on their end.

Jeffrey: Was it true? Is it true or not?

Dr. Barnes: I don't know. I have no idea what they're talking about.

Jeffrey: You don't know... on Wednesday of last week, they did not have the recommendation.

Dr. Barnes: If you would like to ask someone from OSU to meet with me and you, we can sit down and have a three way conversation but I don't think there's any point in you asking me anymore question about this is what they said, this is what they did. I don't know that. I would want to hear it directly from them.

Jeffrey: Okay. I'm just telling you. I'm asking you if last week on Wednesday, they didn't have a recommendation. Did you send it over to them?

Dr. Barnes: I don't know anything about that.

Jeffrey: You don't remember. Okay. So, anyways the following day, they had the recommendation supposedly and the report now, on Thursday, because I got an email from Dr. Cotton on Wednesday. Now, they got everything ready. They met with me telling I'm on leave of absence. Don't tell me, don't explain anything why, haven't had any meetings discussing this. And then at that point, they told me they would give me my information once I met with them. I know this is their words and not your words obviously. As soon as I come back in there, they tried to get copies of my report because they told me the day before I'm going to get a copy of my report. They refused to give me any copy.

Dr. Barnes: I cannot...

Jeffrey: I know you can't \_\_\_\_\_ them.

Dr. Barnes: You know, there's really no point in you even telling me about this because there's nothing I can do about this.

Jeffrey: Okay, they told me...

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Dr. Barnes: That's something you need to take up with them.

Jeffrey: I did take it up with them. I'm going to tell you what they said please. What they told me was is they told me that "you can get access to this information from Dr. Barnes' office."

Dr. Barnes: Okay.

Jeffrey: That's what they told me.

Dr. Barnes: Okay, but I sent you a letter and said that you need it to get it through them.

Jeffrey: And I showed them the letter.

Dr. Barnes: That is... I don't even know why they would tell you that or if they told you that.

Jeffrey: Does it sound concerning?

Dr. Barnes: So, that's not right.

Jeffrey: I showed them the letter that you sent to me and they wouldn't give it to me.

Dr. Barnes: As I said Jeffrey, if you'd like to see if somebody from OSU wants to meet with you and I together, we can think about arranging that but I am not going to answer any questions about what they told you or what they did because I haven't talked with anybody there. I don't know.

Jeffrey: Okay.

Dr. Barnes: I don't know.

Jeffrey: Can I please have a copy of my report?

Dr. Barnes: No, you cannot. Not from me.

Jeffrey: Okay.

Dr. Barnes: As I've told you in the letter, you need to go to OSU and ask them for it. That is what you need to do. It sounds like you've done that and they haven't given it to you. So, you just need to continue to take that up with them.

Jeffrey: Okay. Do you not think in any part of this process that I should be entitled to my report?

Dr. Barnes: I have told you that I cannot give you the report. I've explained why. I said that to you in a letter. The informed consent that you signed, before we did the evaluation, stated that this will all be basically under the control of OSU. So, I don't really think we have anything

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more to talk about. I cannot give you a copy of the report. I'm not going to do that. You need to go back to them if you want to try to get a copy of the report. Once again, let me say, Jeffrey, I think you're spending a lot of energy, you know, obsessing about a lot of things that really are not the most important thing. Again, I can tell you that I think you need to think about why this decision was made. There's a good reasons.

Jeffrey: I need to know because I'm not getting feedback here.

Dr. Barnes: There's good reason.

Jeffrey: I need some feedback.

Dr. Barnes: I think you have been told. I just don't think you've heard it. I think you \_\_\_\_\_.

Jeffrey: I think you never told why this evaluation ended up the way it did.

Dr. Barnes: Well, I explained about the evaluation but my concerns were and I also explained that I was aware of some things that it happened that it caused your probation that \_\_\_\_\_.

Jeffrey: You said some things. I would like to have some specifics.

Dr. Barnes: I am not going to say any more about it.

Jeffrey: Okay.

Dr. Barnes: Again. It would be the best thing for you, here's what I would suggest you do, because I really want things to work out for you, but I also understand that there are some reasons to be very concerned right now.

Jeffrey: Tell me the reasons.

Dr. Barnes: I have already told you but I'm going to tell you.

Jeffrey: Okay.

Dr. Barnes: Alright. So, I think the best thing you can do instead of arguing about this and, you know, focusing on all these different procedural things, is to think about why this decision might have been made.

Jeffrey: I thought about it.

Dr. Barnes: If I were you, I would call the employee assistance program and tell them you did not received a call from them yesterday. You wanted to follow up with them. If you'd like to sign an authorization in my office today, so that I could talk to Dr. Cotton, I'll be more than happy to prepare one for you.

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Jeffrey: Well, yesterday, when I spoke with them in the – or last Thursday, July 3<sup>rd</sup> when I spoke to them, they didn't even bring up anything about an authorization.

Dr. Barnes: Okay. Well, that's up to you at this point.

Jeffrey: So, that must not even be concerning to them, I guess.

Dr. Barnes: I don't know. I don't know. But I would suggest that you follow up with the employee assistance program. I can only tell you that I think it would be in your best interest to sign an authorization that I can talk with Dr. Cotton. I think the way you've explained it is probably not the best way to handle this. And then whatever else you might be advised to do, I would encourage you to do it and to try to have an open mind about it and to be cooperative and compliant, because I think it can only be helpful to you.

Jeffrey: I've been very cooperative throughout this entire process. I've done everything Dr. Cotton has told me on her probation plan. I followed every rule to the teeth. I tried to treat every patient with respect, everyone. I tried to be very polite, very...

Dr. Barnes: I'm not going to take issues with any of that, Jeffrey.

Jeffrey: Okay.

Dr. Barnes: I'm just telling you that, you know, instead of trying to argue your case to me because I have nothing more to say.

Jeffrey: This result is due to your results.

Dr. Barnes: No. Listen. Wait. I've let you talk several times you've asked me to let you to continue to talk.

Jeffrey: Okay.

Dr. Barnes: So, I just really think that you need to think about what I've suggested that you do. That would be the best thing for you to do right now. Because I don't think it's going to be helpful for you to continue to argue with this and try to make issue with this and find fault with this and you know, blame this person for not doing this and that. None of that is going to be helpful.

Jeffrey: I'm not blaming anyone. I just want some answers. That's it.

Dr. Barnes: Okay. Then you need to go back to OSU and...

Jeffrey: Well, they told me that I would get every answer from you.

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Dr. Barnes: Okay. I've told you what I can and I think you, at this point, you need to deal with them because they're the ones that are in the control of my information and are making decisions for me.

Jeffrey: I think you are in control of your information as well. Are you not?

Dr. Barnes: Okay. I think we spend enough talking and this is getting redundant.

Jeffrey: Okay.

Dr. Barnes: So, anyway I wish you well. I hope you think about what I've said. Now \_\_\_\_\_.

[Audio Ends]

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We further certify that we are not a relative or employee of any attorney or any of the parties, nor financially interested in the action. We use certified translator to perform this project.

We declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my ability.

Dated this 14 day of October, 2014.

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